

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
☒ HARRISONBURG DIVISION [☒ HARRISONBURG or ☐ STAUNTON] or
☐ LYNCHBURG DIVISION [☐ LYNCHBURG or ☐ CHARLOTTESVILLE]

☐ INITIAL or ☒ SUPPLEMENTAL
TRUSTEE'S REPORT & OBJECTIONS FOLLOWING MEETING OF CREDITORS

and

☒ NOTICE TO DISMISS OR CONVERT CASE

☒ MODIFICATIONS, DOCUMENTS, OR ACTIONS REQUIRED or ☐ READY FOR CONFIRMATION

IN RE: DAVID and DIANE ALANIZ
112 WATERSLIDE LANE
CROSS JUNCTION, VA 22625

CASE #: 09-52050-RWK-13

This is the Trustee's report following the ☐ initial or ☒ adjourned Meeting of Creditors, which was held on the date noted below; the Debtor ☒ did or ☐ did not attend; Creditors ☐ did or ☒ did not appear.

- ☒ The hearing on confirmation and Show Cause on Dismissal/Motion to Reconvert is to be held on April 28, 2010, at ☐ 9:30 a.m. or ☒ 10:00 a.m., ☐ 2:00 p.m. as originally noticed;
- ☒ Trustee objects to confirmation, and modifications, documents, or actions are required as set forth on attached Exhibit "A"
- ☒ The Meeting of Creditors **IS NOT** adjourned;
- ☐ The Meeting of Creditors **IS** adjourned to _____, 201____, at _____:_____.m. - *Debtor's Attorney to notice Debtor of the continuance.*

Further, if modifications are required, they must be served upon all affected Creditors and other parties in interest, pursuant to the Local Rules of this Court, and noticed for hearing as of the date set forth for hearing on confirmation, or to such other date as the Court may advise Debtor's counsel.

WHEREFORE, your Trustee moves the Court to dismiss or convert this case if the requested modifications, documents, and/or actions have not been completed at least ten days prior to the scheduled hearing on confirmation, and/or if the Debtor has failed to appear at the original or adjourned Meeting of Creditors, and/or if the Debtor is not current in Plan payments; and, for other relief as may seem just.

Dated: 03/30/2010
(Date of 341 hearing)

Angela M. Scollaro
Herbert L. Beskin, Chapter 13 Trustee

Herbert L. Beskin, Chapter 13 Trustee
P.O. Box 2103, Charlottesville, VA 22902
Tel: (434) 817-9913; Fax: (434) 817-9916

CERTIFICATE OF SERVICE

A copy of this Trustee's Report and Objection Following Meeting of Creditors was mailed to the Debtor and either e-mailed or mailed to Debtor's counsel on March 18, 2010.

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Angela M. Scollaro
Herbert L. Beskin, Chapter 13 Trustee

5. The Debtor must provide the Trustee with the following information: medical expenses \$864 (lines 24B+39c)
education \$133 (line 43) ; Charity \$46 (line 45) ;
job related expenses \$1,034/mo (line 57) ; nutrition \$311 (line 60)

6. The Debtor must file the following pleading(s):

- ☐ A. Complaint to Avoid Lien for: _____
☐ B. Application for Allowance of attorney's fees in excess of usually allowed amount.
☐ C. Motion to Make Plan Payments Directly
☐ D. Notice to Allow Adequate Protection payments for: _____
☐ E. Motion to Extend or Impose Automatic Stay
☐ F. Other: _____

OK N/A
OK CA

7. The Debtor must amend and refile the following Schedules to provide complete and accurate information:

- ☐ A. Schedule A: _____
☐ B. Schedule B: _____
☐ C. Schedule C: _____
 (1) Trustee objects to the following claims of exemption: _____

- ☐ D. Schedule D: _____
☐ E. Schedule E: _____
☐ F. Schedule F: _____
☐ G. Schedule G: _____
☐ H. Schedule H: _____
☐ I. Schedule I: _____

- ☒ J. Schedule J: mortgage \$3,245
☐ K. Statement of Financial Affairs: _____

- ☐ L. Attorney Disclosure Statement: _____
☐ M. Form 21 (Soc. Sec. #): _____
☐ N. Petition: _____

- ☐ O. Statement of anticipated increases in income/expenses over first 12 mos: _____
☒ P. Form B22C (Current Monthly Income): line 26 = 0 line 44 = 0 line 57 + 60 = 0

- ☐ Q. Other: offset line 30 by 1/2 refunds \$503/mo line 32 = 0

8. The Debtor must amend the proposed Plan as follows:

- ☐ A. To provide for adequate protection payments pursuant to §.1326 for the following secured creditor(s): _____

- ☐ B. To amend Plan to pay secured debt arrearage in full, or file objection to claim filed by lienholder (objection to be heard and/or resolved by the date of confirmation), for the following creditor(s): _____

- ☐ C. To provide for submission to the Trustee of copies of operating statements and proof of tax payments every calendar quarter during Plan.

- ☒ D. To increase Plan payments as follows: pay 100%

- ☒ E. To correct proposed percentage payout to unsecured creditors. 27%

- ☒ F. To provide for the following priority or secured claims, or object to claim(s): IRS, for 2009

- ☒ G. File, notice, and properly serve "Special Notice to Secured Creditor" for: Wells Fargo

- ☐ H. Redo Plan using proper Plan format (see Court's web site)

- ☐ I. To resolve the following objections/motions: _____

- ☒ J. Other: clarify that plan payments begin in March 2010

9. The Plan needs to be re-noticed to:

- ☐ A. All creditors
☐ B. The following creditors: _____

10. Debtor not entitled to discharge [§ 1328(f)] because: _____

N/A

- ☒ 11. Other: file & resolve adversary to avoid second mortgage

- ☒ 12. Trustee & attorney agree: Confirmation to be continued to go to June / / 10 w/ expectations / conditions (Sch. A para # 1, 4, 7)

- ☒ 13. Trustee withholding recommendation pending review of actions, information, or documentation requested.

- ☐ 14. At this time, nothing further is required, and Plan appears to be confirmable as is, provided that Debtor is current in Plan payments as of confirmation date.